

The Honorable Kymberly K. Evanson

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STEVEN FLOYD, JOLENE FURDEK, and
JONATHAN RYAN, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

AMAZON.COM, INC., a Delaware
corporation, and APPLE INC., a California
corporation,

Defendants.

Case No. 2:22-cv-01599-KKE

**DECLARATION OF BEN M.
HARRINGTON IN SUPPORT OF
RESPONSE TO DEFENDANTS'
MOTION FOR DISCOVERY
SANCTIONS**

NOTED ON MOTION CALENDAR:
October 25, 2024

1 I, Ben M. Harrington, declare as follows:

2 1. I am an attorney duly licensed to practice law before this Court. I am a member of
3 the California Bar, and I have been admitted to this Court *pro hac vice*. I am a partner in the law
4 firm Hagens Berman Sobol Shapiro LLP (“class counsel”), counsel to Plaintiffs Steven Floyd,
5 Jolene Furdek, and Jonathan Ryan, and the putative class in this matter. Based on personal
6 knowledge or discussions with counsel in my firm about the matters stated herein, if called upon,
7 I could and would competently testify thereto.

8 2. Class Counsel has sent ECF Nos. 152 and 153, Defendants’ Motion for Discovery
9 Sanctions and Declaration of Brian G. Liegel in Support of Defendants’ Motion for Discovery
10 Sanctions, respectively, to Mr. Steven Floyd via his personal email address, which Class Counsel
11 previously used to communicate with Mr. Floyd and have also mailed these documents to Mr.
12 Floyd’s home address. Mr. Floyd has not responded to any of these communications. Class
13 Counsel also attempted to have the documents personally served on Floyd. A process server
14 made several attempts to serve these documents by hand delivery to Mr. Floyd at the home
15 address Mr. Floyd provided to counsel, but these attempts have been unsuccessful.

16 3. Class Representatives Jolene Furdek and Jonathan Ryan have produced 9,699
17 documents totaling 37,103 pages, as well as responded to 6 interrogatories from Defendant
18 Apple Inc. and 7 interrogatories from Defendant Amazon.com, Inc.

19 I declare under penalty of perjury under the laws of the United State that the foregoing is
20 true and correct. Executed this 21st day of October, 2024 at Berkeley, California.

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24 BEN M. HARRINGTON

CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2024, a true and correct copy of the foregoing was served on Plaintiff Steven Floyd by email and U.S. Mail and transmitted to a process server for hand delivery. I further certify that a true and correct copy of the foregoing was filed electronically by CM/ECF, which caused notice to be sent to all counsel of record.

/s/ Steve W. Berman

Steve W. Berman